

BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

Original Application No. 02/2023 (WZ)

Sunil S. Mulye & Anr

...Applicant(s)

Versus

Union of India & Ors

...Respondent(s)

INDEX

S. No.	PARTICULARS	PAGE NO.
1.	Counter Affidavit on behalf of Respondent No. 11, Ministry of Environment Forest and Climate Change	1-8
2.	Annexure-R1/1 (A Copy of the Committee report)	9-26
3.	Annexure-R1/2 (A copy of the Wetlands (Conservation and Management) Rules, 2017)	27-40

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Affidavit on behalf of Ministry of Environment, Forest & Climate Change

(Respondent No.1)

I, Dr. Purushottam Sakhare, S/o Shri Ramdas Sakhare, aged about 56 years, working as Scientist "E" at the Ministry of Environment, Forest & Climate Change (MoEF&CC), Regional Office (WCZ), Ground Floor, East Wing, New Secretariat Building, Civil Lines, Nagpur- 440001, do hereby solemnly affirm and declare on oath as under: -

1. That, I am, the above named Deponent, authorized to swear the present Affidavit on behalf of MOEF&CC.
2. That, under the present application, the acts of commission and omission by the Respondents in granting permission for the use of the Wetland — situated at Survey Nos. 176/A, 177, and currently bearing Survey Nos. 176/A/11A, 176/A/11B, and 177 — admeasuring 47H 50R OP, 11R, and



82H 56R OP respectively, located at Village Diwanman, Taluka Vasai, District Palghar — as a burial ground and/or for the construction of any associated infrastructure, including a compound wall, room, or other structures related to such use, has been challenged by the applicants

3. That, vide order dated 18.05.2023, the Hon'ble Tribunal constituted a committee comprising of (i) Member Secretary, State Wetlands Authority, (ii) Member Secretary, Maharashtra Coastal Zone Management Authority (MCZMA), (iii) District Collector, Palghar, (iv) Chief Engineer, Irrigation Department and (v) Commissioner, Vasai-Virar Municipal Corporation; designated MCZMA as a Nodal Agency of the Committee, and inter-alia directed; *"The Committee shall visit the spot after giving notice to the applicants at the earliest and following will be the Terms of Reference (ToR) for the Joint Committee:*

- 1. Visit the site after intimating applicant and all other respondents*
- 2. Find out status of site as per National Wetland Atlas 2010*
- 3. Find out if the site meets definition of wetland as per the Wetlands (Conservation and Management) Rules, 2017 ("wetland" means an area of marsh, fen, peatland or water; whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters, but does not include river channels, paddy fields,*



human-made water bodies/tanks specifically constructed for drinking water purposes and structures specifically constructed for aquaculture, salt production, recreation and irrigation purposes).

4. *Find out if the site meets definition of wetland as per MOEFCC Guidelines for implementing Wetlands (Conservation and Management) Rules, 2017.*

5. *Find out maximum depth of water at the central portion of the site during peak monsoon based on past records.*

6. *If the site meets definition of wetland –*

I. Demarcate wetland boundary supported by accurate digital maps with coordinates in consultation with revenue and irrigation department.

II. Demarcate its zone of influence and land use and land cover

III. Describe Ecological character of the site – flora and fauna found at the site and it's importance.

IV. Recommend if proposed activity can be permitted within the wetland and/or in its zone of influence.”

4. That, vide report of the committee constituted by the Hon'ble Tribunal on 18.05.2023, the Committee observed that, the site in question is a Salt-pan Land, and prima facie opined that it does not exhibit the features as



- stipulated in the definition of “wetland” as per Section 2(g) of the Wetlands (Conservation & Management) Rules, 2017. Copy of the Committee report is annexed as “**Annexure R1/1**”.
5. That at the outset, it is submitted that this respondent, MoEF&CC is the nodal agency of the Central Government for the planning, promotion, co-ordination and overseeing the implementation of India’s environment and forest policies. The primary concern of the Ministry is the implementation of policies and guidelines relating to conservation of the country’s forests, lakes and rivers, its biodiversity, natural resources and wildlife.
 6. That, the ‘*land*’ & ‘*water*’ are a subject matter of State Government. The forest/wetland areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That being the repository of land records, State Government has the primary responsibility to determine status of any parcel of land, giving due regards to gazette notifications, provisions under Central and State Acts and concerned judgments and directions of the Hon’ble Courts/Tribunals.
 7. That, for effective conservation and management of wetlands in the country, the MoEF&CC, had notified the Wetlands (Conservation and Management) Rules, 2017, superseding the Wetlands (Conservation and Management) Rules, 2010 with decentralization of powers in view of the



fact that “Water and Land” are subjects which come under the purview of the State List. Under these Rules, the State/Union Territories Wetland Authorities have been constituted, thereby, replacing the erstwhile Central Wetlands Regulatory Authority. The powers & functions of State/UT wetland authorities are outlined under Rule 5, while Rule 7 specifies the delegation of powers and functions to the State Governments and UT Administrations for notification of the wetlands. The Wetlands (Conservation and Management) Rules, 2017 are annexed as “**Annexure R1/2**”.

8. That, according to Rule 2(g) of the aforesaid 2017 rules, “*wetland*” means an area of marsh, fen, peatland or water; whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters, but does not include river channels, paddy fields, human-made water bodies/tanks specifically constructed for drinking water purposes and structures specifically constructed for aquaculture, salt production, recreation and irrigation purpose.
9. That, Rule 3 of the aforesaid rules, stipulates their applicability to: (a) wetlands categorized as 'wetlands of international importance' under the Ramsar Convention; and (b) wetlands as notified by the Central Government, State Government and Union Territory Administration.



Provided that these rules shall not apply to the wetlands falling in areas covered under the Indian Forest Act, 1927, the Wild Life (Protection) Act, 1972, the Forest (Conservation) Act, 1980, the State Forest Acts, and the Coastal Regulation Zone Notification, 2011 as amended from time to time.

10. That, Rule 4(1) provides that wetlands shall be conserved and managed in accordance with the principle of 'wise use' as determined by the Wetlands Authority. Rule 4(2) enumerates the activities which are prohibited within the wetlands:

- a. *Conversion for non-wetland uses including encroachment of any kind;*
- b. *Setting up of any industry and expansion of existing industries;*
- c. *manufacture or handling or storage or disposal of construction and demolition waste covered under the Construction and Demolition Waste Management Rules, 2016; hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 or the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms Genetically engineered organisms or cells, 1989 or the Hazardous Wastes (Management, Handling and Trans-boundary Movement) Rules, 2008; electronic waste covered under the E-Waste (Management) Rules, 2016;*
- d. *Solid waste dumping;*



- e. *Discharge of untreated wastes and effluents from industries, cities, towns, villages and other human settlements;*
- f. *any construction of a permanent nature except for boat jetties within fifty meters from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules; and,*
- g. *Poaching*

Provided that the Central Government may consider proposals from the State Government or Union Territory Administration for omitting any of the activities on the recommendation of the Authority.

11. That the States/State Wetlands Authorities (SWAs) are entrusted with the powers and responsibility to monitor and conserve wetlands within their jurisdiction. The subject matter of the present application pertains to the State Government of Maharashtra & its concerned organizations and Maharashtra Wetlands Authority; accordingly, they are required to take necessary action in the present matter.
12. In view of aforesaid, the Hon'ble Tribunal may pass any order(s) as it deems appropriate.



P. R. Sakhare

DEPONENT

(डॉ. पी. आर. साखरे)
(Dr. P. R. Sakhare)

वैज्ञानिक 'ई' / Scientist 'E'
पर्यावरण, वन एवं जलवायु परिवर्तन विभाग
Ministry of Environment, Forest & Climate Change
क्षेत्रीय कार्यालय, नागपुर- 440001
Regional Office, Nagpur-440001

VERIFICATION

Verified at Nagpur, on the 6th day of August, 2025 that the contents of Paragraphs of the aforesaid affidavit are true and correct to the best of my knowledge and belief and nothing material has been suppressed or concealed therein.

[Handwritten Signature]
Sakhare

DEPONENT

(डॉ. पी. आर. साखरे)
(Dr. P. A. Sakhare)
शैक्षणिक 'ई' / Scientist 'E'
पर्यावरण, वन एवं जलवायु परिवर्तन विभाग
Ministry of Environment, Forest & Climate Change
क्षेत्रीय कार्यालय, नागपुर - 480001
Regional office, Nagpur-480001

SWORN/SOLEMNNY AFFIRMED
BY P. A. Sakhare
Prakash Sakhare
WHO IS PERSONALLY/KNOWN
TO ME / IDENTIFIED BY Self



BEFORE ME THIS THE 6th
DAY OF Aug 25 AT NAGPUR
Sophiya Kanekar
618125

SOPHIYA PRAKASH KANEKAR
NOTARY
TAH. NAGPUR,
NAGPUR (M.S.) INDIA



NOTARIA. REG.
ENTRY NO. 8940
DATE 618125

COMMITTEE REPORT

**Original Application No. 02 of 2023 (WZ)
Sunil S. Mulye & Ors. V/s. Union of India, through MoEF & Ors.**

PREAMBLE:

Original Application No. 02 of 2023 (WZ) has been filed by Sunil S. Mulye & Ors before Hon'ble National Green Tribunal, Western Zone Bench, Pune. The matter pertains to status of the burial ground at survey Nos. 176/A/1/A and 177 situated at village: Divanman, Taluka: Vasai, District: Palghar from Wetland point of view.

The Hon'ble National Green Tribunal Western Zone Bench, Pune has passed an Order dated 18.05.2023 in the matter with following directions:

"12. We deem it appropriate to constitute a Joint Committee comprising one member each of (i) Member Secretary, State Wetlands Authority, (ii) Member Secretary, Maharashtra Coastal Zone Management Authority (MCZMA), (iii) District Collector, Palghar, (iv) Chief Engineer, Irrigation Department and (v) Commissioner, Vasai-Virar Municipal Corporation. MCZMA will be the Nodal Agency of the Committee. The Committee shall visit the spot after giving notice to the applicants at the earliest and following will be the Terms of Reference (ToR) for the Joint Committee:

- 1) Visit the site after intimating applicant and all other respondents*
- 2) Find out status of site as per National Wetland Atlas 2010*
- 3) Find out if the site meets definition of wetland as per the Wetlands (Conservation and Management) Rules, 2017 ("wetland" means an area of marsh, fen, peatland or water; whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters, but does not include river channels, paddy fields, human-made water bodies/tanks specifically constructed for drinking water purposes and structures specifically constructed for aquaculture, salt production, recreation and irrigation purposes).*
- 4) Find out if the site meets definition of wetland as per MOEFCC Guidelines for implementing Wetlands (Conservation and Management) Rules, 2017.*
- 5) Find out maximum depth of water at the central portion of the site during peak monsoon based on past records.*
- 6) If the site meets definition of wetland –*

- I. *Demarcate wetland boundary supported by accurate digital maps with coordinates in consultation with revenue and irrigation department.*
- II. *Demarcate its zone of influence and land use and land cover*
- III. *Describe Ecological character of the site – flora and fauna found at the site and its importance.*
- IV. *Recommend if proposed activity can be permitted within the wetland and/or in its zone of influence.*

A report of the Committee shall be submitted before us by the MCZMA within one month, by e-mail at ngt-pune@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.”

CONSTITUTION OF COMMITTEE:

In compliance of the directions dated 18.05.2023 of Hon'ble National Green Tribunal, a Joint Committee has been constituted vide order dated 29.05.2023.

The said Joint Committee comprises of Shri. Chandrakant Vibhute, Dy. Secretary, Environment & Climate Change Dept as Representative of Wetland Authority; Dr. Mahesh Shindikar, Expert Member, MCZMA; Representative of District Collector, Palghar; Chief Engineer, Irrigation Dept and Municipal Commissioner, Vasai Virar Municipal Corporation. Copy of the Joint Committee order is attached as **Annexure I**

SITE VISIT OF COMMITTEE

The site visit of the Joint Committee was scheduled on 19.06.2023 at 11.30 am. The MCZMA vide email dated 16.6.2023 communicated the same to all members and applicant.

Accordingly, the Joint Committee visited the site on 19.6.2023 along with Applicant Shri Sunil S. Mulye & representative of Suncity Association. The VVMC officials showed the said site of burial ground which is situated at Survey Nos. 176/A/1/A and 177 situated at Village: Divanman, Taluka: Vasai, District: Palghar. Latitude & Longitude of the location is 19°23'10.19"N, 72°48'57.89"E.

List of Members/ officials/ representatives present for the site visit attached as **Annexure-II**

Taking into consideration the Terms of Reference (TOR) prescribed by the Hon'ble NGT, observations of the Committee is as below:

1) Visit the site after intimating applicant and all other respondents

The Joint Committee visited the site on 19.06.2023 at 11.30 am with applicant Shri Sunil S. Mulye & representative of Suncity Association.

Google image of the site visit along with site photographs as **Annexure III**

2) Find out status of site as per National Wetland Atlas 2010 –

The Committee noted that the National level wetland inventory was carried out by the Space Application Centre (SAC), Ahmedabad using multi-date IRS-LISS-III Data of 2006-07 timeframe on 1:50,000 scale under project "National Wetland Inventory and Assessment (NWIA)" funded by MoEF&CC, New Delhi.

The Committee observed that the maps are available in the scale of 1:50,000 scale, which is small scale. Considering the small scaling of the said map, just by observing the map, it is difficult to ascertain & confirm the status of the land from wetland point of view. Hence, the Committee referred the website of MoEF&CC and SAC, Ahmedabad for further details.

The Committee observed that certain more details are available on the website of SAC, Ahmedabad <https://vedas.sac.gov.in/> with respect to wetlands. Under the tab Applications - Wetlands, the wetland polygon (1:50k) (2006-2007) of the site in question (19°23'10.19"N, 72°48'57.89"E) is available. As per the said source, the subject site is shown in Dark Brown colour and termed as "*Coastal Wetlands- man made- Salt pans*"

Moreover, the Committee consulted the Planning Authority VVMC officials, as per them also, the site in question is shown as Wetland in National Wetland Atlas, 2010.

The Copy of the SAC atlas map in 1:50000 scale along with extract from above said SAC website showing the site in question shown as Dark Brown Colour is attached as **Annexure IV**

- 3) Find out if the site meets definition of wetland as per the Wetlands (Conservation and Management) Rules, 2017 (“wetland” means an area of marsh, fen, peatland or water; whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters, but does not include river channels, paddy fields, human-made water bodies/tanks specifically constructed for drinking water purposes and structures specifically constructed for aquaculture, salt production, recreation and irrigation purposes) –

The Committee noted the definition of the wetland as per Wetlands (Conservation and Management) Rules, 2017:

“wetland” means an area of marsh, fen, peatland or water; whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters, but does not include river channels, paddy fields, human-made water bodies/tanks specifically constructed for drinking water purposes and structures specifically constructed for aquaculture, salt production, recreation and irrigation purposes;

The Committee during the site visit observed that, the site in question is not an area of marsh, fen, peatland or water. Presently, the subject site of burial ground is vacant and protected by a compound wall. It was also observed that grass dominated ground cover with sporadic thorny bushes at site.

During the visit, the VVMC submitted as per Development Plan site in question is reserved for burial ground. VVMC further stated that S. No. 176 of village Diwanman, area of 14.83.0 sqm is classified as Wetland out of 47.50.0 sq. m total area by Revenue dept. However, S. No. 177 at village Diwanman is not classified as Wetland of Palghar District. During the visit, the VVMC showed the map which is attached herewith as **Annexure V**

During the site visit, Applicant stated that water gets logged at site during rainy seasons. Further, he has claimed that this land was traditionally used as saltpan and used by the local fishermen to access the creek.

The Committee from the observing the site prima facie opined that the site in question doesn’t exhibit the features, as stipulated in the

definition of “wetland” as per Wetlands (Conservation and Management) Rules, 2017.

However, the Committee further noted the modalities prescribed & stipulated in the Wetland Rules of 2017 for identifying and notifying the wetland under the said Rules. As per the said Rules, under para 5, the State Wetland Authority is constituted. Further the State Government is empowered to notify & prepare brief document for wetlands following the procedure/ modalities as stipulated in sub para (a) to (g) of para 7 (1) of Wetland Rules, 2017. Moreover, as per para 7(2) of said rules, *“Based on the Brief Document, the Authority shall make recommendations to the State Government or Union Territory Administration for notifying the wetlands”*

Thus, the said Rules has stipulated in details the modalities / procedure to be followed by the State Government & State Wetland Authority in order to identify and notify the wetland in accordance Wetland Rules, 2017. Hence, the Committee felt that applicability of the said Wetland Rules for the site in question is the subject matter of State Government & State Wetland Authority.

4) Find out if the site meets definition of wetland as per MOEFCC Guidelines for implementing Wetlands (Conservation and Management) Rules, 2017.

The Committee perused the guidelines issued by the MoEF&CC for implementing Wetlands (Conservation and Management) Rules, 2017. These guidelines have been drafted to support the State Governments / Union Territory (UT) Administrations in the implementation of the Rules for providing guidance on various aspects such as preparing the list of wetlands in State, identifying & deli nearing the wetland, preparation of brief document, determining ‘wise use’ and ecological character etc.

The Committee noted that as per para 4 of the said Guidelines,

“All wetlands, irrespective of their location, size, ownership, biodiversity, or ecosystem services values, can be notified under the Wetlands Rules, except:

a) River channels;

b) Paddy fields;

c) Human-made waterbodies specifically constructed for drinking water purposes;

d) Human-made waterbodies specifically constructed for aquaculture purposes;

- e) *Human-made waterbodies specifically constructed for salt production purposes;*
- f) *Human-made waterbodies specifically constructed for recreation purposes;*
- g) *Human-made waterbodies specifically constructed for irrigation purposes;*
- h) *Wetlands falling within areas covered under the Indian Forest Act, 1927; Forest (Conservation) Act, 1980; State Forest Acts and amendments thereof;*
- i) *Wetlands falling within areas covered under the Wildlife (Protection) Act, 1972 and amendments thereof;*
- j) *Wetlands falling within areas covered under the Coastal Regulation Zone Notification, 2011 and amendments thereof”*

The Committee noted that para 23 of the said Guidelines which is as follows:

The National Wetlands Atlas prepared by Space Application Center under the National Wetlands Inventory and Assessment project, and available at https://vedas.sac.gov.in/vedas/downloads/atlas/Wetlands/NWIA_National_atlas.pdf has spatial data on wetlands for each State and UT.

The Committee observed during the site visit that the site of burial ground is not an area of marsh, fen, peatland or water but a vacant area enclosed by a compound wall. There are no mangroves or associate species observed on this land.

The Committee noted that applicability of the said Wetland Rules for the site in question is the subject matter of State Government & State Wetland Authority, in accordance with Wetland Rules, 2017 and Guidelines prescribed thereunder. It is noted that the State Government is in process of preparation of brief document.

5) Find out maximum depth of water at the central portion of the site during peak monsoon based on past records.

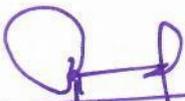
The Committee during the site visit observed that the site is dry and covered with grass & thorny shrubs. During the site visit, the applicant informed that 3 – 4 feet rainwater accumulates therein during rainy season as in all adjacent areas of the site.

6) If the site meets definition of wetland -

- I. Demarcate wetland boundary supported by accurate digital maps with coordinates in consultation with revenue and irrigation department.**
- II. Demarcate its zone of influence and land use and land cover**
- III. Describe Ecological character of the site - flora and fauna found at the site and it's importance.**
- IV. Recommend if proposed activity can be permitted within the wetland and/or in its zone of influence.**

As stated above, the Committee during the site visit observed that, the site in question is not an area of marsh, fen, peatland or water. Presently, the subject site of burial ground is vacant with a compound wall. Grass dominated ground cover with sporadic thorny bushes at site. The Committee from the observing the site, prima facie opined that the site in question doesn't exhibit the features, as stipulated in the definition of "wetland" as per Wetlands (Conservation and Management) Rules, 2017.

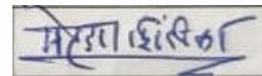
As Stated above, State Government is empowered to prepare brief document for identified wetlands following the procedure/ modalities as stipulated in sub para (a) to (g) of para 7 (1) of Wetland Rules, 2017. It came to know that the State Government is in process of preparation of brief document for wetlands in the State. If the site in question meets the definitions of 'wetland' as per Wetland Rules, 2017, and applicability of further modalities like demarcation, preparation of brief document, regulation of activity etc, is the subject matter of State Government & State Wetland Authority, under Wetland Rules of 2017.



Shri. Anilkumar Pawar,
Municipal Commissioner,
VVMC



Shri. Chandrakant
Vibhute,
Dy. Secretary,
Environment & Climate
Change



Dr. Mahesh Shindikar,
Expert Member,
MCZMA



Shri. Milind Naik,
CE, Irrigation Dept



Shri. Shekhar Ghadge,
SDO, Vasai

Date: 01.11.2023

MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY

Tel. No. : 22029388
E-mail : dir1.mev-mh@nic.in
Website: <https://mczma.gov.in/>

No. OA 2023 / CR 10 / TC - 4
Office of the -
Maharashtra Coastal Zone Management Authority,
Environment & Climate Change Department,
15th floor, New Administrative Building,
Mantralaya, Mumbai- 400 032.
Date: 29.5.2023

ORDER

SUB: Original Application NO. 2 of 2023 before Hon.ble National Green Tribunal (WZ) Sunil S. Mulay & ors Versus Union of India & Ors

Ref: Hon'ble NGT order 18.5.2023 passed in subject matter

An Original Application No. 2 of 2023 has been filed before Hon'ble National Green Tribunal, Pune. The matter pertains to the site bearing S. No. 176 & 177 of Vasai Virar, District Palghar from Wetland point of view.

2. The Hon'ble NGT in its order dated 18.5.2023 has passed following directions:

"We deem it appropriate to constitute a Joint Committee comprising one member each of (i) Member Secretary, State Wetland Authority (ii) Member Secretary, MCZMA (iii) District Collector, Palghar (iv) Chief Engineer, Irrigation Department and (v) Commissioner, Vasai Virar Municipal Corporation

MCZMA will be nodal agency of the Committee. The Committee shall visit the spot after giving notice to the applicants at the earliest and following will be the Terms of Reference (TOR) for the Joint Committee.

1. *Visit the site after intimating applicant and all other respondents*
2. *Find out status of site as per National Wetland Atlas 2010*
3. *Find out if the site meets definition of wetlands (Conservation and Management Rules), 2017 ("wetland" means an area of marsh, fen peatland or water; whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters, but does not include river channels, paddy fields, human made water bodies / tanks specifically constructed for drinking water purposes and structures specifically constructed for aquaculture, salt production, recreation and irrigation purposes)*
4. *Find out if the site meets definition of wetland as per MoEFCC guidelines for implementing Wetlands (Conservation and Management) Rules, 2017*
5. *Find out maximum depth of water at the central portion of the site during peak monsoon based on past records*
6. *if the site meets definition of wetland-*
 - I. *Demarcate wetland boundary supported by accurate digital maps with coordinates in consultation with revenue and irrigation department*

- II. Demarcate its zone of influence and land use and land cover
- III. Describe ecological character of the site –flora and fauna found at the site and its importance
- IV. Recommend if proposed activity can be permitted within the wetland and / or in its zone of influence.

A report of the Committee shall be submitted before us by the MCZMA within one month, be email at ngt-pune@gov.in preferably in the form of searchable PDF/ OCR support PDF and not in the form of image PDF”

3. Accordingly, a Committee is hereby constituted as follows:

Sr No.	Member	Organization
(i)	Mr. Chandrakant Vibhute, Deputy Secretary, Env&CC – Representative, MS, State Wetland Authority	State Wetland Authority
(ii)	Dr. Mahesh Shindikar, Expert Member, MCZMA/ Sanjay Sandanshiv, Under Secretary, Environment &CC Department, State of Maharashtra – Representative, MS, MCZMA	MCZMA
(iii)	District Collector, Palghar	District Collector
(iv)	Chief Engineer, Irrigation Department	Irrigation Department
(v)	Municipal Commissioner, Vasai Virar Corporation	Vasai Virar Municipal Corporation

4. As per the Hon’ble NGT order, The Committee shall visit the spot after giving notice to the applicants at the earliest. Terms of Reference (TOR) for the Joint Committee is prescribed as below as stated in the Hon’ble NGT order. A report of the Committee shall be submitted to MCZMA within one month so that the said report could be mailed to Hon’ble NGT. Copy of the above said order dated 18.5.2023 of the Hon’ble NGT is attached herewith.

This issues with the approval of competent Authority.

Yours,



Director, Environment &CC and MS, MCZMA

To,

- 1) Mr. Chandrakant Vibhute, Deputy Secretary, Env&CC – Representative, MS, State Wetland Authority

593

- 2) Dr. Mahesh Shindikar, Expert Member, MCZMA/ Sanjay Sandanshiv, Under Secretary, Environment & CC Department, State of Maharashtra – Representative, MS, MCZMA
- 3) District Collector, Palghar
- 4) Chief Engineer, Irrigation Department
- 5) Municipal Commissioner, Vasai Virar Municipal Corporation

Copy for information to:

1. Principal Secretary, Environment & CC, Environment & CC Dept, Room No. 217, Annexe Building, Mantralaya, Mumbai.
2. Director, Environment & CC, Environment & CC Dept, 15th floor, New Administrative Building, Mantralaya, Mumbai.
3. Select File- TC 4

Annexure-IIATTENDANCE

आज दि. १९/०६/२०२३ रोजी सकाळी ११.३० वा.
 का. राष्ट्रीय हॉलत नवाहू पुणे यांचे दि. १९/०६/२०२३ OA 2/23
 रोजीच्या सुनावणी उपदेशानुसार वसत्र विराय बाह्य महानगर
 पालिकेच्या हॉलतल अोजे दिवाणमान येथील सवे कु १९०६ व
 १७७ संबंधित जागेतील सर्वधर्मिय दफनभुक्ति च्या जागेची
 स्थल पाहणी करणेसाठी खालील प्रकारे अधिकारी (कमिटी)
 उपास्थित होते

क्र. क्र	नाव	पद	सही	भा. नं. व ता.
१)	श्री अनिलकुमार पवार	प्रशासक तथा आयुक्त (व निवाडा)		
२)	श्री. शेखर घाडगे	उप विभागीय दंडी वसत्र		
३)	श्री. चंद्रकांत विठ्ठले	उप सचिव, पुरातन विभाग		
४)	डॉ. अरुण शिंदेकर			
५)	वाय. एस. रेड्डी			
६)	प्र. व. बोरसे	अ. अ. जलसंपदा विकास विभाग		
७)	पंकज दामिरे	स. अ. ज. कं. व. कं.		
८)	स्मिता वायस.	पर्यावरण व वातावरण वर्तन		
९)	इतानंद विलमाडे	पर्या. व वा. व. कं.		
१०)	अनिल सुब्बे			
११)	सनसिरी लक्ष्मो. व. प. देवेंद्र जेजा. १			१८३३१/६४५१
१२)	किशोर रावस			

Annexure –III

Google image indicating site of burial ground



Site Photographs

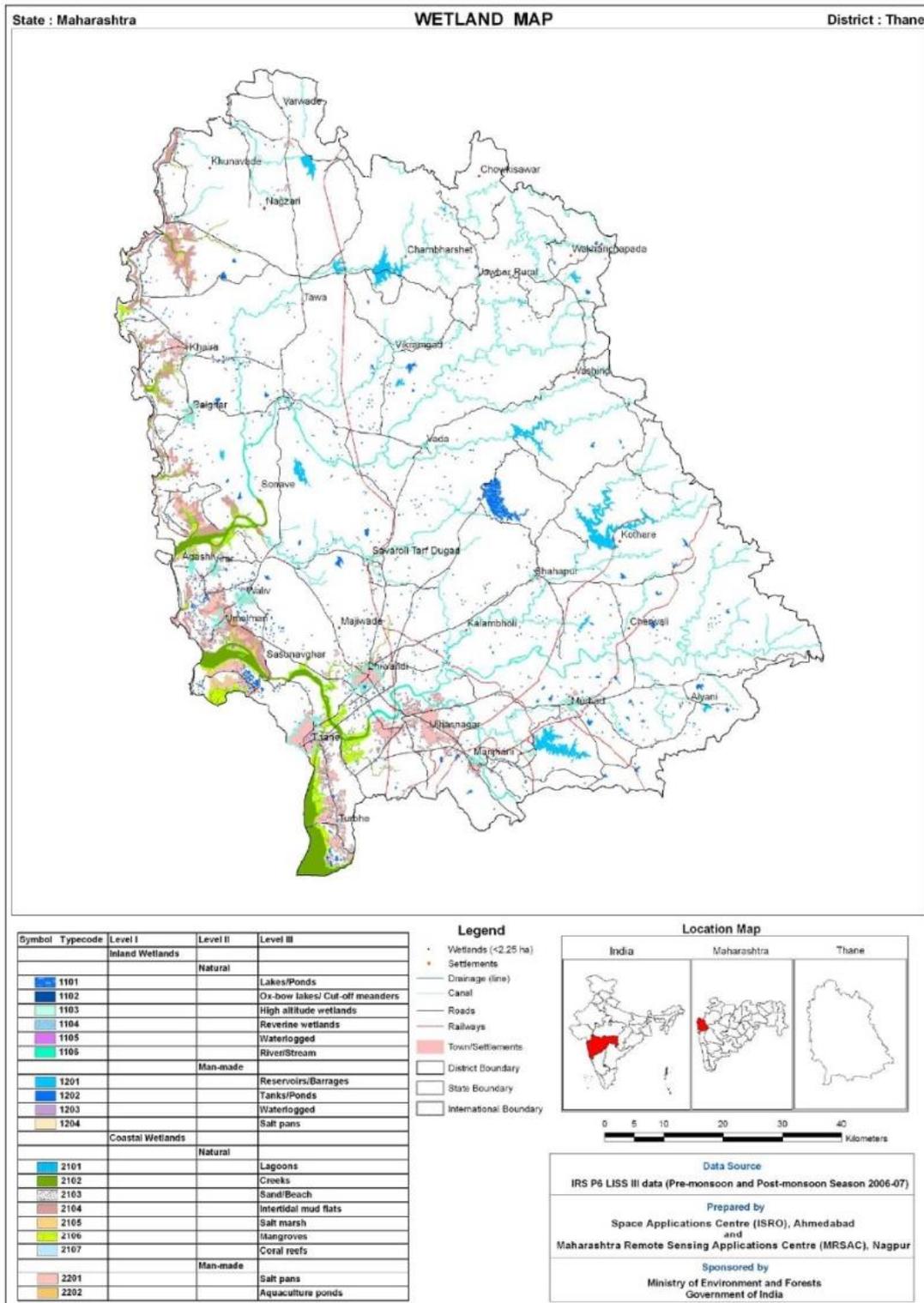






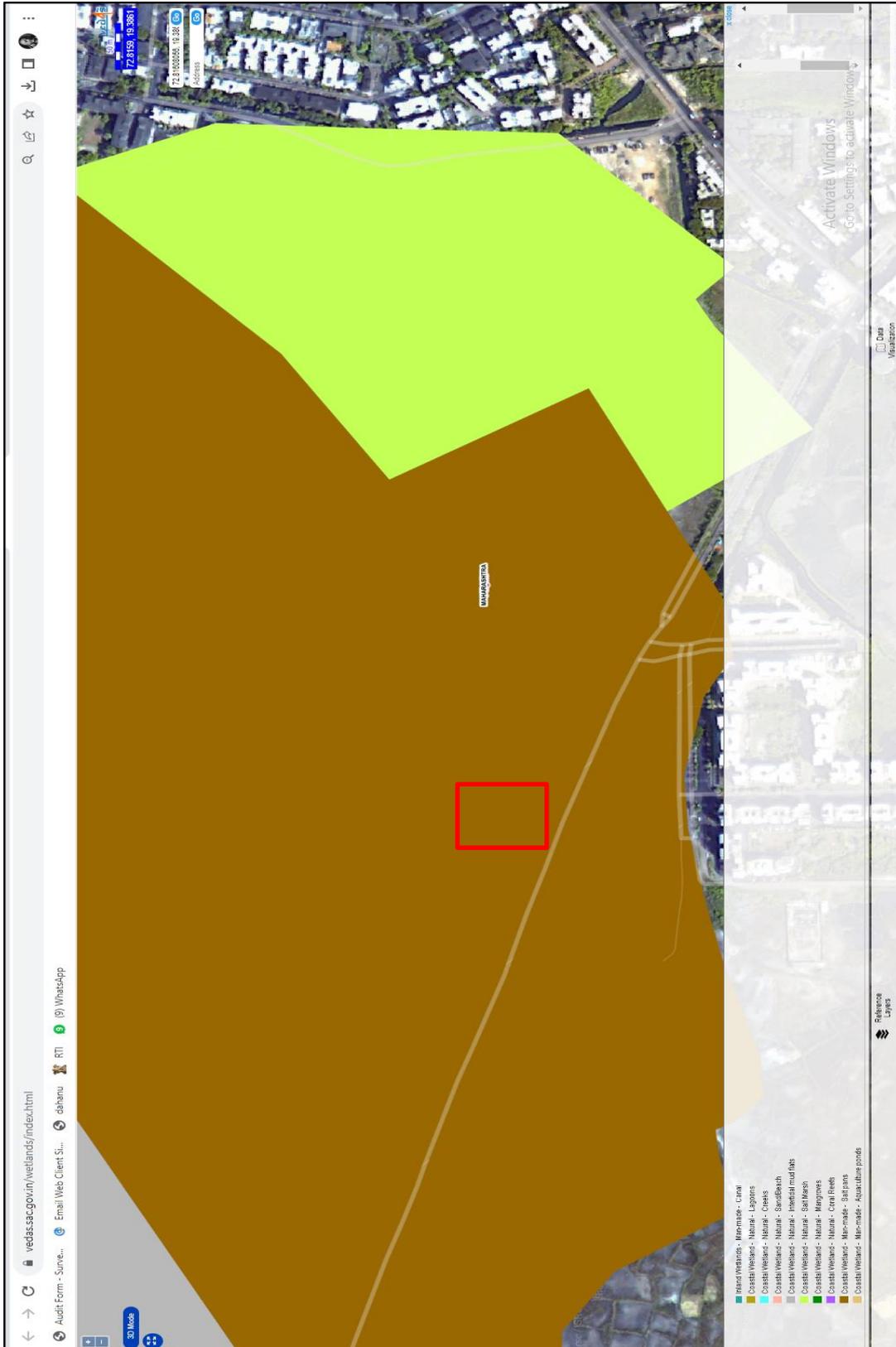
Annexure-IV

Map prepared by SAC & MRSAC Nagpur in 1:50,000 scale as per National Wetland Atlas 2010



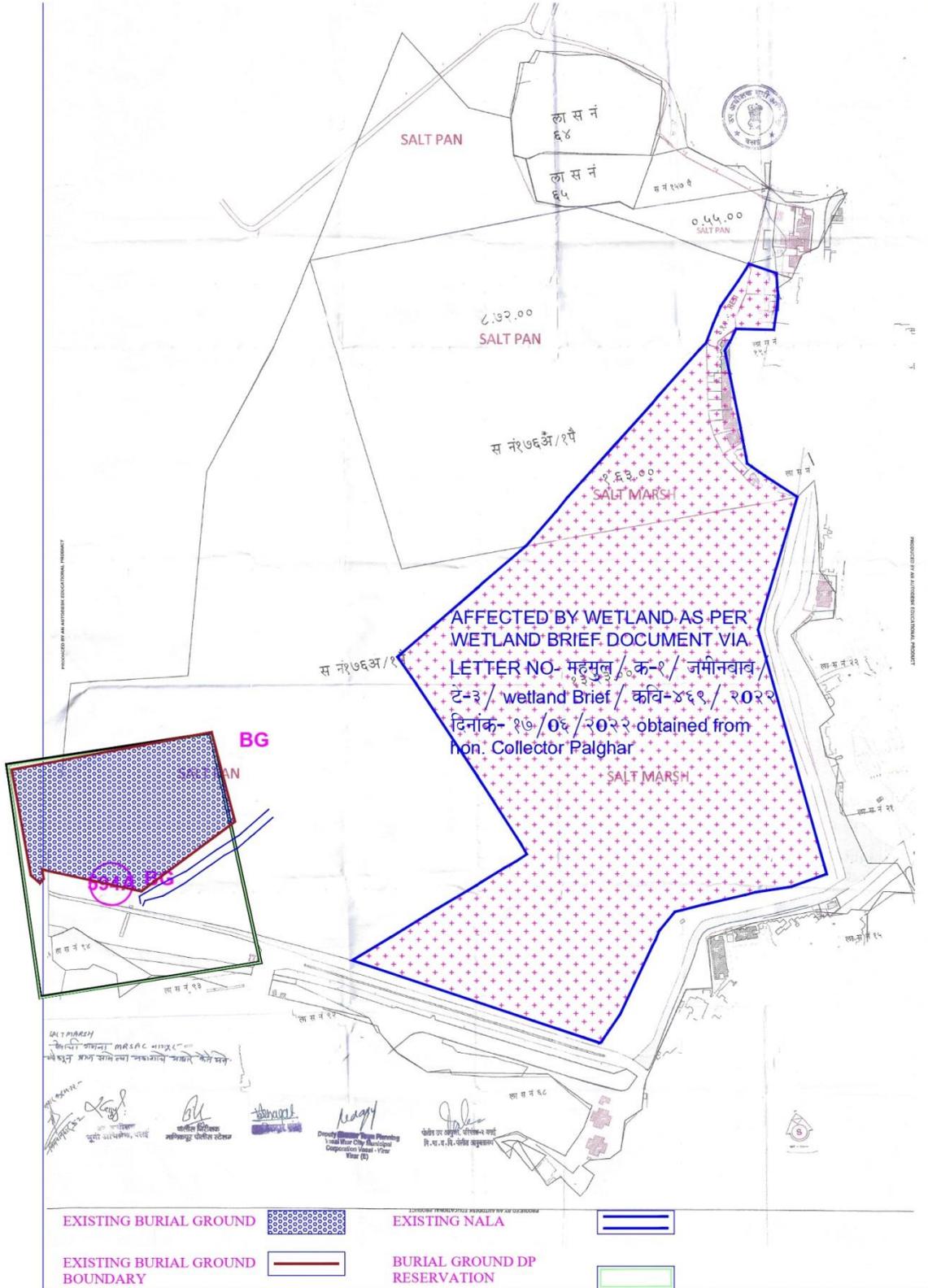
Extract from Website of SAC, Ahmedabad <https://vedas.sac.gov.in/>

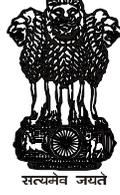
(site shown in Red Square)



Annexure-V

Map prepared by VVMC indicating site of burial ground & wetland area





भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

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अधिसूचना

नई दिल्ली, 26 सितम्बर, 2017

सा.का.नि. 1203(अ).—आर्द्रभूमि, जो जलीय चक्र का अत्यावश्यक भाग है, उच्चतर उत्पादक पारिस्थितिकी प्रणालियां हैं जो समृद्ध जैवविविधता का आधार हैं तथा हमारी समृद्ध सांस्कृतिक विरासत का भाग होने के कारण कई महत्वपूर्ण मनोरंजक, सामाजिक और सांस्कृतिक कार्यकलापों का समर्थन करते हुए जल भंडारण, जल शुद्धिकरण, बाढ़ अल्पीकरण, अपरदन नियंत्रण, भूजल का पुनःभरण, सूक्ष्म जलवायु का विनियमन, दृश्यभूमि के सौन्दर्य बौध को बढ़ाना जैसी पारिस्थितिकी प्रणाली सेवाओं की व्यापक रेंज प्रदान करता है।

और, अधिकतर आर्द्रभूमि, अपवहन और भरणस्थान, प्रदूषण (घरेलू और औद्योगिक बहिःस्राव का निस्सारण, ठोस अपशिष्टों का निपटान), जल विज्ञान संबंधी परिवर्तन (जल अपनयन और अंतर्वाह तथा बहिवाह परिवर्तन) के माध्यम से भूमि सुधार और अवक्रमण के कारण गंभीर रूप से संकटस्थ स्थिति में हैं और उनके प्राकृतिक संसाधनों के अत्यधिक दोहन के परिणामस्वरूप जैव विविधता की हानि और आर्द्रभूमि द्वारा उपलब्ध पारिस्थितिकी प्रणाली सेवाओं में विघटन हुआ है;

और, संविधान के अनुच्छेद 51क के खंड (छ) में यह बताया गया है कि भारत के प्रत्येक नागरिक का यह कर्तव्य होगा कि वह प्राकृतिक पर्यावरण की, जिसके अंतर्गत वन, झील, नदी और वन्यजीव हैं, रक्षा करे और उसका संवर्धन करे तथा प्राणिमात्र के प्रति दयाभाव रखे;

और पर्यावरण (संरक्षण) अधिनियम, 1986 पर्यावरण को संरक्षण प्रदान करने तथा उसमें सुधार लाने के लिए एक व्यापक विधान है, जिसमें अन्य बातों के साथ-साथ आर्द्रभूमि और उससे जुड़े मामले भी सम्मिलित हैं।

और, राष्ट्रीय पर्यावरण नीति, 2006 में आर्द्रभूमि द्वारा उपलब्ध पारिस्थितिकी सेवा को मान्यता दी गई है और सभी आर्द्रभूमि के लिए एक विनियामक तंत्र स्थापित करने की आवश्यकता पर बल दिया गया है, जिससे उनकी ऐसी पारिस्थितिकी स्थिति को बनाए रखा जा सके, जो अंततोगत्वा उनके एकीकृत प्रबंध में सहायक हो;

और, भारत, आर्द्रभूमि संबंधी रामसर अभिसमय का हस्ताक्षरकर्ता है, तथा अपने अधिकार क्षेत्र के भीतर सभी आर्द्रभूमियों के संरक्षण और बुद्धिमतापूर्ण उपयोग के लिए प्रतिबद्ध है।

और केन्द्रीय सरकार ने तारीख 4 दिसंबर, 2010 की सं.सा.का.नि. 951(अ) द्वारा आर्द्रभूमि (संरक्षण और प्रबंधन) नियम, 2010, प्रकाशित किए हैं;

और आर्द्रभूमि का संरक्षण और युक्तियुक्त उपयोग राज्य और राष्ट्रीय अर्थव्यवस्था को सारवान प्रत्यक्ष और अप्रत्यक्ष आर्थिक लाभ प्रदान कर सकता है तथा केन्द्रीय सरकार विभिन्न क्षेत्रों के लिए विकास आयोजना तथा निर्णय लेने की प्रक्रिया में आर्द्रभूमि जैवविविधता तथा पारिप्रणाली सेवाओं की पूर्ण शृंखला को मुख्य धारा में लाने के लिए प्रतिबद्ध है;

और, राज्य सरकारों और संघ राज्य क्षेत्र प्रशासनों को इसी प्रकार से अपने विकासात्मक कार्यक्रमों तथा आर्थिक कल्याण में आर्द्रभूमि पारिस्थितिकी प्रणाली सेवाओं और जैव विविधता संबंधी मूल्यों पर विचार करने और इस बात को संज्ञान में लेने की आवश्यकता है कि आर्द्रभूमि पारिस्थितिकी प्रणाली के दो मुख्य पारिस्थितिकी घटक भूमि और जल, भारतीय संविधान के अनुसार राज्य के विषय के रूप में सूचीबद्ध हैं;

और केन्द्रीय सरकार ने देश में आर्द्रभूमियों के प्रभावी संरक्षण और प्रबंधन के लिए आर्द्रभूमि (संरक्षण और प्रबंधन) नियम, 2010 को अधिकांत करना आवश्यक समझा है;

और, अब, केन्द्रीय सरकार ने पर्यावरण (संरक्षण) अधिनियम, 1986 की उपधारा (1) और उपधारा (2) के खंड (v) और धारा 3 की उपधारा (3) के साथ पठित धारा 25 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए जनसाधारण की जानकारी के लिए, जिनके उससे प्रभावित होने की संभावना है, सा.का.नि. 385 (अ) तारीख 31 मार्च, 2016 द्वारा आर्द्रभूमि (संरक्षण और प्रबंधन) नियम, 2016 का प्रारूप प्रकाशित किया था; और यह सूचना दी गई थी कि केन्द्रीय सरकार द्वारा उक्त प्रारूप नियमों पर, उस तारीख से, जिसको इस राजपत्र में यथाप्रकाशित इस अधिसूचना की प्रतियां जनता को उपलब्ध करा दी जाती हैं, साठ दिन की अवधि की समाप्ति के पश्चात् विचार किया जाएगा;

और, केन्द्रीय सरकार को प्रारूप आर्द्रभूमि (संरक्षण और प्रबंधन) नियम, 2016 के संबंध में राज्य सरकारों, संघ राज्य क्षेत्रों राज्यों और इसके संगठनों, व्यक्तियों और सिविल समाज संगठनों से सुझाव तथा आक्षेप प्राप्त हुए हैं;

और, ऐसे आक्षेपों और सुझावों पर, जो ऊपर उल्लिखित प्रारूप नियमों के संबंध में प्राप्त हुए हैं, पर राज्य सरकारों और राज्य क्षेत्र प्रशासनों के परामर्श से केन्द्रीय सरकार द्वारा सम्यक रूप से विचार किया गया;

अतः अब, केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (v) और उप-धारा (3) के साथ पठित धारा 25 और धारा 23 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा आर्द्रभूमि (संरक्षण और प्रबंधन) नियम, 2010 को उन बातों के सिवाय अधिकांत करते हुए, जिन्हें ऐसे अधिक्रमण से पूर्व किया गया था या करने का लोप किया गया था, आर्द्रभूमि के संरक्षण और प्रबंधन के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

1. संक्षिप्त नाम और प्रारंभ.—

- (1) इन नियमों का संक्षिप्त नाम आर्द्रभूमि (संरक्षण और प्रबंधन) नियम, 2017 है।
- (2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएं.—

- (1) इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

- (क) "अधिनियम" से पर्यावरण (संरक्षण) अधिनियम, 1986 अभिप्रेत है;
- (ख) "प्राधिकरण" से यथास्थिति राज्य आर्द्रभूमि प्राधिकरण या संघ राज्य क्षेत्र आर्द्रभूमि प्राधिकरण, अभिप्रेत है;
- (ग) "समिति" से नियम 6 में निर्दिष्ट राष्ट्रीय आर्द्रभूमि समिति अभिप्रेत है;
- (घ) "पारिस्थितिकीय गुण" से पारिस्थितिकी प्रणाली घटकों, प्रक्रियाओं तथा सेवाओं का ऐसा संकलन अभिप्रेत है जो आर्द्रभूमियों की विशिष्टता चित्रित करता है;
- (ङ) "एकीकृत प्रबंधन योजना" से कोई ऐसा दस्तावेज अभिप्रेत है जिसमें आर्द्रभूमि का युक्तियुक्त उपयोग के लिए कार्यनीतियों और कार्रवाइयों का वर्णन किया गया है तथा इस योजना में स्थल प्रबंधन के उद्देश्य; उद्देश्यों को प्राप्त करने के लिए अपेक्षित प्रबंधन कार्रवाइयां, वे घटक, जो विभिन्न स्थल विशिष्टताओं को प्रभावित करते हैं, या प्रभावित कर सकते हैं; पारिस्थितिकीय स्वरूप में परिवर्तनों का पता लगाने के लिए और प्रबंधन की प्रभाविता के मापन के लिए अपेक्षित मानीटरी और कार्यान्वयन प्रबंधन कार्यान्वयन के लिए संसाधन सम्मिलित हैं;
- (च) "रामसर अभिसमय" से 1971 में ईरान के रामसर में हस्ताक्षरित आर्द्रभूमि संबंधी अभिसमय अभिप्रेत है;
- (छ) "आर्द्रभूमि से कोई क्षेत्र या कच्छ पंक, पीटभूमि या जल; प्राकृतिक या कृत्रिम, स्थायी या अस्थायी, जल जो ठहरा है या बहते, ताजे, खारे या लवणीय, जिसके अंतर्गत समुद्री जल का जिसकी गहराई ज्वार की स्थिति छह मीटर से अधिक की न हो अभिप्रेत है, परंतु इसमें नदी जल मार्ग, धान के खेत, पेयजल प्रयोजनार्थ विशिष्ट रूप से मानव निर्मित जल निकाय/जलाशय, मत्स्यपालन, नमक उत्पादन और सिंचाई प्रयोजनों के लिए विशिष्ट रूप से निर्मित संरचनाएं सम्मिलित नहीं हैं;

- (ज) "आर्द्रभूमि परिसर" से दो या दो से अधिक पारिस्थितिकीय और जलीय समीपस्थ आर्द्रभूमियां तथा जिनमें उनसे जुड़े नाले/वाहिकाएं सम्मिलित हो सकती हैं, अभिप्रेत हैं;
- (झ) "आर्द्रभूमियों का युक्तियुक्त उपयोग" से सतत विकास के संदर्भ में पारिप्रणाली दृष्टिकोण के माध्यम से प्राप्त पारिस्थितिकीय गुणों का रख-रखाव अभिप्रेत है;
- (ञ) "प्रभावित जोन" से आर्द्रभूमि या आर्द्रभूमि परिसर के आवाह-क्षेत्र का वह भाग जिस पर विकासात्मक कार्यकलापों के कारण पारिप्रणाली ढांचे, तथा पारिप्रणाली सेवाओं में प्रतिकूल परिवर्तन पड़ता है।
- (2) उन सभी शब्दों और पदों के, जो इन नियमों में प्रयुक्त हैं और परिभाषित नहीं हैं, किंतु अधिनियम में परिभाषित हैं, वही अर्थ होंगे जो उनके उस अधिनियम में हैं।

3. नियमों का लागू होना.—ये नियम निम्नलिखित आर्द्रभूमियों या आर्द्रभूमि परिसरों को लागू होंगे, अर्थात्:-

- (क) रामसर अभिसमय के अधीन 'अंतरराष्ट्रीय महत्व की आर्द्रभूमि' के रूप में वर्गीकृत आर्द्रभूमियां;
- (ख) केन्द्रीय सरकार, राज्य सरकार और संघ राज्य क्षेत्र प्रशासन द्वारा यथा अधिसूचित आर्द्रभूमियां।

परंतु ये नियम समय-समय पर यथा संशोधित भारतीय वन अधिनियम, 1927, वन्यजीव (संरक्षण) अधिनियम, 1972, वन (संरक्षण) अधिनियम, 1980, राज्य वन अधिनियम तथा तटीय विनियमन जोन अधिसूचना, 2011 के अंतर्गत आने वाले क्षेत्रों में पड़ने वाली आर्द्रभूमियों को लागू नहीं होंगे।

4. आर्द्रभूमियों में क्रियाकलापों पर निर्बंधन.—(1) आर्द्रभूमि का संरक्षण और प्रबंध, आर्द्रभूमि प्राधिकरण द्वारा यथा अवधारित 'युक्तियुक्त उपयोग' के सिद्धांत के अनुसार किया जाएगा।

(2) आर्द्रभूमि के भीतर, निम्नलिखित क्रियाकलापों को प्रतिषिद्ध किया जाएगा, अर्थात्:-

- (i) किसी भी किस्म के अतिक्रमण सहित गैर-आर्द्रभूमि उपयोग हेतु परिवर्तन;
- (ii) किसी उद्योग को स्थापित करना और विद्यमान उद्योगों का विस्तार करना;
- (iii) निर्माण और विध्वंस अपशिष्ट प्रबंधन नियम, 2016 के अंतर्गत आने वाले निर्माण और विध्वंस अपशिष्ट का विनिर्माण या हथालन या भंडारण या निपटान; परिसंकटमय रसायन के विनिर्माण, भंडारण और आयात नियम, 1989 या परिसंकटमय सूक्ष्म जीवों आनुवंशिक रूप से निर्मित जीवों या कोशिकाओं का उपयोग, आयात, निर्यात और भंडारण संबंधी नियम, 1989 या परिसंकटमय अपशिष्ट (प्रबंधन, हथालन और सीमापारीय संचलन) नियम 2008 के अंतर्गत आने वाले परिसंकटमय पदार्थ; ई-अपशिष्ट (प्रबंधन) नियम, 2016 के अंतर्गत आने वाला ई-अपशिष्ट;
- (iv) ठोस अपशिष्ट का पाटन;
उद्योगों, शहरों, कस्बों, गांवों और अन्य मानव बस्तियों से अशोधित अपशिष्ट और बहिस्रावों का निस्सारण;
- (v) किसी स्थायी प्रकृति का किसी निर्माण सिवाय नाव घाटों के, पचास मीटर के भीतर इन नियमों के प्रारंभ की तारीख से पिछले दस वर्षों में प्रेक्षित बाढ़ के औसतन उच्च स्तर से गणना की जाएगी; और
- (vi) अवैध शिकार।

परंतु केन्द्रीय सरकार प्राधिकरण की सिफारिश पर किसी कार्यकलाप के विलोपन के लिए राज्य सरकार या संघ राज्य क्षेत्र प्रशासन से प्राप्त प्रस्तावों पर विचार कर सकेगी।

5. आर्द्रभूमि प्राधिकरण.—(1) केन्द्रीय सरकार, प्रत्येक राज्य में राज्य आर्द्रभूमि प्राधिकरण का गठन करेगी जिसमें निम्नलिखित सदस्य होंगे, अर्थात्:-

- (i) राज्य सरकार के पर्यावरण/वन विभाग का भारसाधक मंत्री या आर्द्रभूमि के विषय से संबंधित कार्य कर रहे भारसाधक मंत्री - अध्यक्ष;
- (ii) राज्य का मुख्य सचिव या समतुल्य अपर मुख्य सचिव - उपाध्यक्ष;
- (iii) पर्यावरण विभाग का भारसाधक सचिव - पदेन सदस्य;
- (iv) वन विभाग का भारसाधक सचिव - पदेन सदस्य;
- (v) शहरी विकास विभाग का भारसाधक सचिव - पदेन सदस्य;
- (vi) ग्रामीण विकास विभाग का भारसाधक सचिव - पदेन सदस्य;
- (vii) जल संसाधन विभाग का भारसाधक सचिव - पदेन सदस्य;

- (viii) मत्स्यकी विभाग का भारसाधक सचिव – पदेन सदस्य;
- (ix) सिंचाई और बाढ़ नियंत्रण विभाग का भारसाधक सचिव – पदेन सदस्य;
- (x) पर्यटन विभाग का भारसाधक सचिव – पदेन सदस्य;
- (xi) राजस्व विभाग का भारसाधक सचिव – पदेन सदस्य;
- (xii) निदेशक, राज्य सुदूर संवेदी केन्द्र – पदेन सदस्य;
- (xiii) मुख्य वन्यजीव वार्डन – पदेन सदस्य;
- (xiv) सदस्य सचिव, राज्य जैवविविधता बोर्ड – पदेन सदस्य;
- (xv) सदस्य सचिव, राज्य प्रदूषण नियंत्रण बोर्ड – पदेन सदस्य;
- (xvi) पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय के क्षेत्रीय कार्यालय का अपर प्रधान मुख्य संरक्षक – पदेन सदस्य;
- (xvii) आर्द्रभूमि पारिस्थितिकी, जल विज्ञान, मत्स्यकी, भू-दृश्य योजना और सामाजिक-आर्थिक क्षेत्र में से प्रत्येक का एक विशेषज्ञ जिसे राज्य सरकार द्वारा नामनिर्दिष्ट किया जाए; और
- (xviii) पर्यावरण/वन विभाग या आर्द्रभूमियों से संबंधित विभाग में अपर सचिव/संयुक्त सचिव/निदेशक - सदस्य सचिव।
- (2) केन्द्रीय सरकार, प्रत्येक राज्य क्षेत्र के लिए संघ राज्य क्षेत्र आर्द्रभूमि प्राधिकरण का गठन करेगी जिसमें निम्नलिखित सदस्य होंगे, अर्थात्:-
- (i) संघ राज्य क्षेत्र का प्रशासक या मुख्य सचिव – अध्यक्ष;
- (ii) पर्यावरण विभाग का भारसाधक सचिव – उपाध्यक्ष;
- (iii) वन विभाग का भारसाधक सचिव – पदेन सदस्य;
- (iv) शहरी विकास विभाग का भारसाधक सचिव – पदेन सदस्य;
- (v) ग्रामीण विकास विभाग का भारसाधक सचिव – पदेन सदस्य;
- (vi) जल संसाधन विभाग का भारसाधक सचिव - पदेन सदस्य;
- (vii) मत्स्यकी विभाग का भारसाधक सचिव - पदेन सदस्य;
- (viii) सिंचाई और बाढ़ नियंत्रण विभाग का भारसाधक सचिव - पदेन सदस्य;
- (ix) पर्यटन विभाग का भारसाधक सचिव - पदेन सदस्य;
- (x) राजस्व विभाग का भारसाधक सचिव - पदेन सदस्य;
- (xi) निदेशक, सुदूर संवेदी केन्द्र - पदेन सदस्य;
- (xii) सदस्य सचिव, संघ राज्य क्षेत्र प्रदूषण नियंत्रण समिति - पदेन सदस्य;
- (xiii) सदस्य सचिव, संघ राज्य क्षेत्र जैव-विविधता बोर्ड - पदेन सदस्य;
- (xiv) मुख्य वन्यजीव वार्डन - पदेन सदस्य;
- (xv) पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय के क्षेत्रीय कार्यालय के अपर प्रधान मुख्य वन संरक्षक - पदेन सदस्य;
- (xvi) आर्द्रभूमि पारिस्थितिकी, जल-विज्ञान, मत्स्यकी, भू-दृश्य योजना और सामाजिक-आर्थिक क्षेत्रों से एक-एक विशेषज्ञ जिसे संघ राज्य क्षेत्र प्रशासन द्वारा नामनिर्दिष्ट किया जाए; और
- (xvii) पर्यावरण/वन विभाग या आर्द्रभूमि हथालन विभाग में अपर सचिव/संयुक्त सचिव/निदेशक - सदस्य सचिव।
- (3) राज्य आर्द्रभूमि प्राधिकरण या संघ राज्य क्षेत्र आर्द्रभूमि प्राधिकरण, तीन से अधिक, यदि अपेक्षित हों, अन्य सदस्यों, का सह-चयन, कर सकेंगे।
- (4) राज्य आर्द्रभूमि प्राधिकरण या संघ राज्य क्षेत्र आर्द्रभूमि प्राधिकरण, निम्नलिखित शक्तियों का प्रयोग करेगा और निम्नलिखित कृत्यों का पालन करेगा, अर्थात् :—
- (क) इन नियमों के प्रकाशन की तारीख से तीन मास के भीतर राज्य या संघ राज्य क्षेत्र की सभी आर्द्रभूमियों की सूची तैयार करना;
- (ख) इन नियमों के प्रकाशन की तारीख से छह मास के भीतर अधिसूचित की जाने वाली आर्द्रभूमियों की सूची तैयार करना; अन्य सुसंगत राज्य अधिनियमों के अधीन तैयार/अधिसूचित आर्द्रभूमियों की किसी विद्यमान सूची को संज्ञान में लेना;

- (ग) इन नियमों के अधीन विनियमन हेतु उनके संक्षिप्त दस्तावेजों के आधार पर अभिज्ञात आर्द्रभूमियों की संस्तुति करना;
- (घ) इन नियमों के प्रकाशन की तारीख से एक वर्ष की अवधि के भीतर सभी आर्द्रभूमियों की व्यापक डिजिटल सूची तैयार करना और उक्त प्रयोजन से केन्द्रीय सरकार द्वारा विकसित की जाने वाले डेडीकेटेड वेब पोर्टल पर इसे अपलोड करना; और इस सूची को प्रत्येक दस वर्ष में अद्यतन किया जाएगा;
- (ङ) अधिसूचित आर्द्रभूमियों के भीतर विनियमित और अनुज्ञात किए जाने वाले कार्यकलापों और उनके प्रभाव क्षेत्र की विस्तृत सूची विकसित करना;
- (च) विनिर्दिष्ट आर्द्रभूमियों के लिए प्रतिषिद्ध कार्यकलापों की सूची में बढोतरी, यदि कोई हो, की सिफारिश करना;
- (छ) आर्द्रभूमियों की अधिकारिता के भीतर उनके संरक्षण और युक्तियुक्त उपयोग के लिए कार्यनीतियां पारिभाषित करना; यदि पारिस्थितिक प्रणाली के कार्यकलापों (जल भण्डारण, भू-जल संभरण, बाढ़-प्रतिरोधक जैसे) और मूल्य (मनोरंजन और सांस्कृतिक जैसे) का अनुरक्षण किया जाता है या उसमें अभिवृद्धि की जाती है; तो इन पारिस्थितिक प्रणाली को प्रबंधित करने के लिए एक सिद्धांत, जो संरक्षण के साथ संगत वहनीय उपयोगों को समावेशित करता है (जैसे जीवन-निर्वाह स्तर हेतु मछली पकड़ना या जलीय वनस्पति की पैदावार करना) का विवेकपूर्ण उपयोग करना;
- (ज) प्रत्येक अधिसूचित आर्द्रभूमियों के लिए एकीकृत प्रबंधन योजना का पुनर्विलोकन करना (केन्द्रीय सरकार के समन्वयन से सीमा-पारीय आर्द्रभूमियों सहित), और इन योजनाओं के भीतर आर्द्रभूमियों, जो पारिस्थितिकीय स्वरूप के अनुकूल हैं, के पारम्परिक उपयोगों को जारी रखना और उसमें समर्थन देने पर विचार करना;
- (झ) उन मामलों में, जहां अधिसूचित आर्द्रभूमियों या आर्द्रभूमि परिसरों की सीमा के भीतर भूमि क्षेत्र का निजी भू-धारण अधिकार है, उन्हें बढावा देने के लिए कार्यकलापों के माध्यम से पारिस्थितिकीय स्वरूप को बनाये रखने के लिए कार्यतंत्रों हेतु सिफारिश करना;
- (ञ) विद्यमान राज्य/संघ राज्य क्षेत्र स्तर की विकास योजनाओं और कार्यक्रमों के साथ प्रबंध योजना के कार्यान्वयन के अभिसरण के लिए कार्यतंत्रों की पहचान करना;
- (ट) इन नियमों और अन्य सुसंगत अधिनियमों, नियमों और विनियमों का प्रवर्तन सुनिश्चित करना और अर्द्ध-वार्षिक आधार पर (प्रत्येक कैलेंडर वर्ष के जून और दिसम्बर पर) एक सूचना तंत्र के माध्यम से ऐसी अधिसूचित आर्द्रभूमियों की स्थिति पर संबंधित राज्य सरकार या संघ राज्य क्षेत्र प्रशासन या केन्द्रीय सरकार को सूचना देना;
- (ठ) विभिन्न संगत विभागों और अन्य संबंधित अभिकरणों के माध्यम से युक्तियुक्त उपयोग के सिद्धांत के आधार पर एकीकृत प्रबंधन योजनाओं के क्रियान्वयन का समन्वयन करना;
- (ड) राज्य या संघ राज्य क्षेत्र प्रशासन के भीतर सभी आर्द्रभूमि विनिर्दिष्ट प्राधिकरणों के लिए नोडल प्राधिकरण के रूप में कार्य करना;
- (ढ) संबंधित क्रियान्वयन अभिकरणों को आर्द्रभूमियों के संरक्षण और सतत प्रबंधन हेतु आवश्यक निदेश जारी करना;
- (ण) आर्द्रभूमियों के मूल्यों और क्रियाकलापों के संबंध में पणधारियों और स्थानीय समुदायों के बीच जागरूकता के संवर्धन हेतु उपाय करना; और
- (त) स्वप्रेरणा से या राज्य सरकार या संघ राज्य क्षेत्र प्रशासन द्वारा यथानिर्दिष्ट अन्य मामले पर सलाह देना।
- (5) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन का संबंधित विभाग, प्राधिकरण के लिए नोडल विभाग और सचिवालय के रूप में सभी आवश्यक सहायता प्रदान करेगा और कार्य करेगा।
- (6) प्राधिकरण, इन नियमों के प्रकाशन के नब्बे दिन के भीतर :
- (क) संक्षिप्त दस्तावेजों और प्रबंध योजनाओं का पुनर्विलोकन करने तथा आर्द्रभूमि प्राधिकरण द्वारा निर्दिष्ट किसी तकनीकी विषय पर सलाह देने के लिए एक तकनीकी समिति का, और
- (ख) जनता द्वारा प्राधिकरण को की गई शिकायतों की सुनवाई करने और उन्हें अग्रेषित करने के लिए एक कार्यतंत्र उपलब्ध कराने हेतु चार सदस्यों से मिलकर बनी एक शिकायत समिति का गठन करेगा।
- (7) उप-नियम (6) में निर्दिष्ट समितियां अपने कृत्यों के निष्पादन के लिए प्रत्येक तिमाही में कम से कम एक बार बैठक करेंगी।
- (8) प्राधिकरण की वर्ष में कम से कम तीन बार बैठक होगी।
- (9) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन द्वारा नामनिर्दिष्ट प्राधिकरण के गैर-अधिकारिक सदस्यों का कार्यकाल अधिकतम तीन वर्ष की अवधि का होगा।

6. **राष्ट्रीय आर्द्रभूमि समिति का गठन.**—(1) केन्द्रीय सरकार, एक राष्ट्रीय आर्द्रभूमि समिति का गठन करेगी, जिसमें निम्नलिखित सदस्य होंगे, अर्थात् :—
- (i) सचिव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार – अध्यक्ष;
 - (ii) आर्द्रभूमि संबंधी कार्य देख रहे विशेष सचिव या अपर सचिव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार – उपाध्यक्ष;
 - (iii) अपर महानिदेशक, वन्यजीव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार – पदेन सदस्य;
 - (iv) आर्द्रभूमियों संबंधी कार्य देख रहे सलाहकार या संयुक्त सचिव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय – पदेन सदस्य;
 - (v) संयुक्त सचिव, पर्यटन मंत्रालय, भारत सरकार – पदेन सदस्य;
 - (vi) संयुक्त सचिव, जल संसाधन, नदी विकास और गंगा संरक्षण मंत्रालय, भारत सरकार – पदेन सदस्य;
 - (vii) संयुक्त सचिव, कृषि और किसान कल्याण मंत्रालय, भारत सरकार – पदेन सदस्य;
 - (viii) संयुक्त सचिव, सामाजिक न्याय और अधिकारिता मंत्रालय भारत सरकार – पदेन सदस्य;
 - (ix) संयुक्त सचिव, शहरी विकास मंत्रालय, भारत सरकार - पदेन सदस्य;
 - (x) संयुक्त सचिव, ग्रामीण विकास मंत्रालय, भारत सरकार - पदेन सदस्य;
 - (xi) अध्यक्ष, केन्द्रीय प्रदूषण नियंत्रण बोर्ड - पदेन सदस्य;
 - (xii) निदेशक, भारतीय प्राणि सर्वेक्षण या वैज्ञानिक एफ - पदेन सदस्य;
 - (xiii) निदेशक, भारतीय वनस्पति सर्वेक्षण या वैज्ञानिक एफ - पदेन सदस्य;
 - (xiv) निदेशक, अंतरिक्ष अनुप्रयुक्ति केंद्र, अहमदाबाद या वैज्ञानिक एफ - पदेन सदस्य;
 - (xv) सदस्य केन्द्रीय जल आयोग - पदेन सदस्य;
 - (xvi) सलाहकार, नीति आयोग - पदेन सदस्य;
 - (xvii) राज्य सरकार या संघ राज्यक्षेत्र प्रशासन के तीन प्रतिनिधि, चक्रानुक्रम आधार पर, प्रत्येक दो वर्ष के कार्यकाल के लिए;
 - (xviii) आर्द्र भूमि पारिस्थितिकी, जल विज्ञान, मत्स्यकी क्षेत्र, भू-दृश्य योजना और सामाजिक अर्थशास्त्र के क्षेत्रों में से प्रत्येक का एक-एक विशेषज्ञ; और
 - (xix) आर्द्रभूमि से संबंधित कार्य करने वाले निदेशक/अपर निदेशक/संयुक्त निदेशक, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय - सदस्य सचिव।
- (2) राष्ट्रीय आर्द्रभूमि समिति, यदि अपेक्षित हो, तीन से अनधिक अन्य सदस्यों को सहयोजित कर सकेगी।
- (3) राष्ट्रीय आर्द्रभूमि समिति निम्नलिखित कृत्यों का पालन करेगी, अर्थात्:—
- (क) आर्द्रभूमियों के संरक्षण तथा बुद्धिमत्तापूर्ण उपयोग के लिए समुचित नीतियों और कार्रवाई सम्बन्धी कार्यक्रमों के विषय में केन्द्रीय सरकार को सलाह देना;
 - (ख) आर्द्रभूमियों के एकीकृत प्रबंधन के लिए बुद्धिमत्तापूर्ण उपयोग के सिद्धान्त पर आधारित मानदंड और मार्गदर्शक सिद्धान्त तैयार करना;
 - (ग) प्राधिकरण द्वारा इन नियमों के क्रियान्वयन की निगरानी करना;
 - (घ) नियम 4 के उप नियम (2) में यथानिर्दिष्ट प्रतिषेधित क्रियाकलापों के लिए राज्य सरकारों या संघ राज्य क्षेत्र प्रशासनों से प्राप्त पुनरीक्षित प्रस्तावों के संबंध में केन्द्रीय सरकार को सलाह देना;
 - (ङ.) रामसर अभिसमय के अधीन अंतर्राष्ट्रीय महत्व की आर्द्रभूमियों को अभिहित किये जाने की सिफारिश करना;
 - (च) अधिसूचित किये जाने के लिए सीमापार आर्द्रभूमियों की सिफारिश करना;
 - (छ) रामसर स्थलों और सीमापार आर्द्रभूमियों के एकीकृत प्रबंध की प्रगति का पुनर्विलोकन करना;
 - (ज) आर्द्रभूमियों से संबंधित मुद्दों पर अंतर्राष्ट्रीय अभिकरणों के समन्वय के संबंध में सलाह देना; और
 - (झ) किसी अन्य मामले पर स्वप्रेरणा से सलाह देना या केन्द्रीय सरकार को निर्दिष्ट करना।

- (4) समिति के गैर-सरकारी सदस्यों को कार्यकाल तीन वर्ष से अनधिक का नहीं होगा।
- (5) समिति प्रत्येक छह मास में कम से कम एक बार बैठक करेगी।
7. **राज्य सरकारों और संघ राज्य क्षेत्र प्रशासनों को शक्तियों और कार्यों का प्रत्यायोजन.**—(1) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन का सम्बद्ध विभाग इन नियमों के प्रकाशन की तारीख से एक वर्ष की अवधि के भीतर अधिसूचित किये जाने हेतु अभिज्ञात प्रत्येक आर्द्रभूमि के लिए एक संक्षिप्त दस्तावेज तैयार करेगा, जिसमें निम्नलिखित का उपबंध होगा:—
- (क) निर्देशांकों सहित यथार्थ डिजिटल मानचित्रों द्वारा समर्थित और जमीनी सत्यापन द्वारा विधिमान्य आर्द्रभूमि का सीमांकन;
- (ख) इसके प्रभाव क्षेत्र का सीमांकन और डिजिटल मानचित्र में संकेतित उसका भूमि उपयोग और आच्छादित भूमि क्षेत्र;
- (ग) पारिस्थितिक-स्वरूप का विवरण;
- (घ) पूर्वतः विद्यमान अधिकारों तथा विशेषाधिकारों का लेखा;
- (ङ.) आर्द्रभूमि तथा इसके प्रभाव क्षेत्र के भीतर अनुज्ञप्त स्थल-विशिष्ट क्रियाकलाप की सूची;
- (च) आर्द्रभूमि और उसके प्रभाव क्षेत्र के भीतर विनियमित किये जाने वाले स्थल-विशिष्ट क्रियाकलापों की सूची; और
- (छ) विनियमों के प्रवर्तन की रीति;
- (2) प्राधिकरण, संक्षिप्त दस्तावेज के आधार पर, आर्द्रभूमियों को अधिसूचित किये जाने के लिए राज्य सरकार या संघ राज्यक्षेत्र प्रशासन को सिफारिश करेगा।
- (3) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन संबंधित और प्रभावित व्यक्तियों से प्राप्त आक्षेपों, यदि कोई हों, पर विचार करने के पश्चात् प्राधिकरण द्वारा की गयी सिफारिश की तारीख से दो सौ चालीस दिन से अनधिक की अवधि के भीतर राजपत्र में आर्द्रभूमियों को अधिसूचित करेगी।
- (4) (क) केन्द्रीय सरकार सीमा-पार आर्द्रभूमियों के मामले में, संक्षिप्त दस्तावेज, जिसमें उप-नियम (1) में यथा सूचीबद्ध सूचना दी गई हो, को तैयार करने में संबद्ध राज्य सरकार और संघ राज्यक्षेत्र प्रशासनों के साथ समन्वय करेगी।
- (ख) संक्षिप्त दस्तावेज के आधार पर, राष्ट्रीय आर्द्रभूमि समिति आर्द्रभूमि को अधिसूचित किये जाने के लिए केन्द्रीय सरकार को सिफारिशें करेगी।
- (ग) केन्द्रीय सरकार संबद्ध और प्रभावित व्यक्तियों से प्राप्त आक्षेपों, यदि कोई हों, पर विचार करने के पश्चात् समिति द्वारा की गई सिफारिश की तारीख से दो सौ चालीस दिन से अनधिक की अवधि के भीतर आर्द्रभूमियों को राजपत्र में अधिसूचित करेगी।
- (5) (क) केन्द्रीय सरकार आर्द्रभूमियों से संबंधित सूचना के लिए एक समर्पित वेब पोर्टल का सृजन करेगी।
- (ख) केन्द्रीय सरकार, राज्य सरकार और संघ राज्य क्षेत्र प्रशासन अपनी अधिकारिता में की आर्द्रभूमियों के विषय में, सभी संबंधित सूचना अपलोड करेगी।

[फा. सं. जे-22012/78/2003-सीएस(डब्ल्यू) पार्ट.V]

डॉ. ए. दुरैसामी, वैज्ञानिक 'जी'

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 26th September, 2017

G.S.R. 1203(E).—Whereas the wetlands, vital parts of the hydrological cycle, are highly productive ecosystems which support rich biodiversity and provide a wide range of ecosystem services such as water storage, water purification, flood mitigation, erosion control, aquifer recharge, microclimate regulation, aesthetic enhancement of landscapes while simultaneously supporting many significant recreational, social and cultural activities, being part of our rich cultural heritage;

And whereas many wetlands are threatened by reclamation and degradation through drainage and landfill, pollution (discharge of domestic and industrial effluents, disposal of solid wastes), hydrological alteration (water withdrawal and changes in inflow and outflow), over-exploitation of their natural resources resulting in loss of biodiversity and disruption in ecosystem services provided by wetlands;

And whereas clause (g) of article 51A of the Constitution stipulates that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures;

And whereas the Environment (Protection) Act, 1986 is a comprehensive legislation to provide protection and improvement of the environment, including *inter-alia*, wetlands, and for matters connected therewith;

And whereas the National Environment Policy, 2006 recognises the ecosystem services provided by wetlands and emphasizes the need to set up a regulatory mechanism for all wetlands so as to maintain their ecological character, and ultimately support their integrated management;

And whereas India is a signatory to the Ramsar Convention on Wetlands and is committed to conservation and wise use of all wetlands within its territory;

And whereas the Central Government has published the Wetlands (Conservation and Management) Rules, 2010, vide number G.S.R. 951(E), dated the 4th December, 2010;

And whereas conservation and wise use of wetlands can provide substantial direct and indirect economic benefits to state and national economy, and thereby the Central Government stands committed to mainstreaming full range of wetland biodiversity and ecosystem services in development planning and decision making for various sectors;

And whereas the State Governments and Union Territory Administrations need to take into account wetland ecosystem services and biodiversity values likewise within their developmental programming and economic well-being, also taking into cognizance that land and water, two major ecological constituents of wetland ecosystems, are enlisted as State subjects as per the Constitution;

And whereas the Central Government considered it necessary to supersede the Wetlands (Conservation and Management) Rules, 2010 for effective conservation and management of wetlands in the country;

And whereas the Central Government had, in exercise of the powers conferred by section 25, read with sub-section (1) and clause (v) of sub-section (2) and sub-section (3) of section 3 of the Environment (Protection) Act, 1986, published the draft Wetlands (Conservation and Management) Rules, 2016, vide number G.S.R. 385 (E) dated 31st March, 2016 for information of the public likely to be affected thereby; and notice was given that the said draft rules would be taken into consideration by the Central Government after expiry of a period of sixty days from the date on which copies of the Gazette notification is made available to the public;

And whereas the Central Government has received the suggestions and objections from the State Governments, Union Territories and its organisations, individuals and civil society organisations on the draft Wetlands (Conservation and Management) Rules, 2016;

And whereas the suggestions and objections received in response to the above mentioned draft rules have been duly considered by the Central Government in consultation with State Governments and Union Territory Administrations.

Now, therefore, in exercise of the powers conferred by section 25, read with sub-section (1) and clause (v) of sub-section (2) and sub-section (3) of section 3 and section 23 of the Environment (Protection) Act, 1986 and in supersession of the Wetlands (Conservation and Management) Rules, 2010, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules for conservation and management of wetlands, namely:—

1. Short title and commencement.—

- (1) These rules may be called the Wetlands (Conservation and Management) Rules, 2017.
- (2) These shall come into force from the date of their publication in the Official Gazette.

2. Definitions.—

- (1) In these rules, unless the context otherwise requires,-
 - (a) "Act" means the Environment (Protection) Act, 1986;
 - (b) "Authority" means the State Wetlands Authority or Union Territory Wetlands Authority, as the case may be;

- (c) "Committee" means the National Wetlands Committee referred to in rule 6;
 - (d) "ecological character" means the sum of ecosystem components, processes and services that characterise the wetlands;
 - (e) "integrated management plan" means a document which describes strategies and actions for achieving wise use of the wetland and the plan shall include objectives of site management; management actions required to achieve the objectives; factors that affect, or may affect, the various site features; monitoring requirements for detecting changes in ecological character and for measuring the effectiveness of management; and resources for management implementation;
 - (f) "Ramsar Convention" means the Convention on Wetlands signed at Ramsar, Iran in 1971;
 - (g) "wetland" means an area of marsh, fen, peatland or water; whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters, but does not include river channels, paddy fields, human-made water bodies/tanks specifically constructed for drinking water purposes and structures specifically constructed for aquaculture, salt production, recreation and irrigation purposes;
 - (h) "wetlands complexes" means two or more ecologically and hydrologically contiguous wetlands and may include their connecting channels/ducts;
 - (i) "wise use of wetlands" means maintenance of their ecological character, achieved through implementation of ecosystem approach within the context of sustainable development;
 - (j) "zone of influence" means that part of the catchment area of the wetland or wetland complex, developmental activities in which induce adverse changes in ecosystem structure, and ecosystem services.
- (2) The words and expressions used in these rules and not defined, but defined in the Act, shall have the meanings assigned to them in the Act.

3. Applicability of rules.—These rules shall apply to the following wetlands or wetlands complexes, namely:—

- (a) wetlands categorised as 'wetlands of international importance' under the Ramsar Convention;
- (b) wetlands as notified by the Central Government, State Government and Union Territory Administration:

Provided that these rules shall not apply to the wetlands falling in areas covered under the Indian Forest Act, 1927, the Wild Life (Protection) Act, 1972, the Forest (Conservation) Act, 1980, the State Forest Acts, and the Coastal Regulation Zone Notification, 2011 as amended from time to time.

4. Restrictions of activities in wetlands.—(1) The wetlands shall be conserved and managed in accordance with the principle of 'wise use' as determined by the Wetlands Authority.

- (2) The following activities shall be prohibited within the wetlands, namely,-
- (i) conversion for non-wetland uses including encroachment of any kind;
 - (ii) setting up of any industry and expansion of existing industries;
 - (iii) manufacture or handling or storage or disposal of construction and demolition waste covered under the Construction and Demolition Waste Management Rules, 2016; hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 or the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms Genetically engineered organisms or cells, 1989 or the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008; electronic waste covered under the E-Waste (Management) Rules, 2016;
 - (iv) solid waste dumping;
 - (v) discharge of untreated wastes and effluents from industries, cities, towns, villages and other human settlements;
 - (vi) any construction of a permanent nature except for boat jetties within fifty metres from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules; and,
 - (vii) poaching.

Provided that the Central Government may consider proposals from the State Government or Union Territory Administration for omitting any of the activities on the recommendation of the Authority.

5. Wetlands Authorities.—(1) The Central Government hereby constitutes the State Wetlands Authority in each State with the following members, namely:—

- (i) Minister In-charge of the Department of Environment/Forests of the State Government or Minister In-charge of the Department handling wetlands - Chairperson;
- (ii) Chief Secretary of the State or Additional Chief Secretary equivalent - Vice Chairperson;
- (iii) Secretary in-charge of the Department of Environment - Member *ex-officio*;
- (iv) Secretary in-charge of the Department of Forests - Member *ex-officio*;
- (v) Secretary in-charge of the Department of Urban Development - Member *ex-officio*;
- (vi) Secretary in-charge of the Department of Rural Development - Member *ex-officio*;
- (vii) Secretary in-charge of the Department of Water Resources - Member *ex-officio*;
- (viii) Secretary in-charge of the Department of Fisheries - Member *ex-officio*;
- (ix) Secretary in-charge of the Department of Irrigation and Flood Control - Member *ex-officio*;
- (x) Secretary in-charge of the Department of Tourism - Member *ex-officio*;
- (xi) Secretary in-charge of the Department of Revenue - Member *ex-officio*;
- (xii) Director, State Remote Sensing Centre - Member *ex-officio*;
- (xiii) Chief Wildlife Warden - Member *ex-officio*;
- (xiv) Member Secretary, State Biodiversity Board - Member *ex-officio*;
- (xv) Member Secretary, State Pollution Control Board - Member *ex-officio*;
- (xvi) Additional Principal Chief Conservator of Forests of the Regional Office of Ministry of Environment, Forest and Climate Change - Member *ex-officio*;
- (xvii) One expert each in the fields of wetland ecology, hydrology, fisheries, landscape planning and socio-economics to be nominated by the State Government; and
- (xviii) Additional Secretary/Joint Secretary/Director in the Department of Environment/Forests or Department handling wetlands - Member Secretary.

(2) The Central Government hereby constitutes the Union Territory Wetlands Authority for each Union Territory with the following members, namely:—

- (i) Administrator or Chief Secretary of the Union Territory - Chairperson;
- (ii) Secretary in-charge of the Department of Environment - Vice Chairperson;
- (iii) Secretary in-charge of the Department of Forests - Member *ex-officio*;
- (iv) Secretary in-charge of the Department of Urban Development - Member *ex-officio*;
- (v) Secretary in-charge of the Department of Rural Development - Member *ex-officio*;
- (vi) Secretary in-charge of the Department of Water Resources - Member *ex-officio*;
- (vii) Secretary in-charge of the Department of Fisheries - Member *ex-officio*;
- (viii) Secretary in-charge of the Department of Irrigation and Flood Control - Member *ex-officio*;
- (ix) Secretary in-charge of the Department of Tourism - Member *ex-officio*;
- (x) Secretary in-charge of the Departments of Revenue - Member *ex-officio*;
- (xi) Director, Remote Sensing Centre - Member *ex-officio*;
- (xii) Member Secretary, Union Territory Pollution Control Committee - Member *ex-officio*;

- (xiii) Member Secretary, Biodiversity Board of the UT - Member *ex-officio*;
 - (xiv) Chief Wildlife Warden - Member *ex-officio*;
 - (xv) Additional Principal Chief Conservator of Forests of the Regional Office of Ministry of Environment, Forest and Climate Change- Member *ex-officio*;
 - (xvi) One expert each in the fields of wetland ecology, hydrology, fisheries, landscape planning and socio-economics to be nominated by the Union Territory Administration; and
 - (xvii) Additional Secretary/Joint Secretary/Director in the Department of Environment/Forests or Department handling wetlands - Member Secretary.
- (3) The State Wetlands Authority or Union Territory Wetlands Authority may co-opt other members, not exceeding three in number, if required.
- (4) The State Wetlands Authority or Union Territory Wetlands Authority shall exercise the following powers and perform the following functions, namely:-
- (a) prepare a list of all wetlands of the State or Union Territory within three months from the date of publication of these rules;
 - (b) prepare a list of wetlands to be notified, within six months from the date of publication of these rules; taking into cognizance any existing list of wetlands prepared/notified under other relevant State Acts;
 - (c) recommend identified wetlands, based on their Brief Documents, for regulation under these rules;
 - (d) prepare a comprehensive digital inventory of all wetlands within a period of one year from the date of publication of these rules and upload the same on a dedicated web portal to be developed by the Central Government for the said purpose; the inventory to be updated every ten years;
 - (e) develop a comprehensive list of activities to be regulated and permitted within the notified wetlands and their zone of influence;
 - (f) recommend additions, if any, to the list of prohibited activities for specific wetlands;
 - (g) define strategies for conservation and wise use of wetlands within their jurisdiction; wise use being a principle for managing these ecosystems which incorporates sustainable uses (such as capture fisheries at subsistence level or harvest of aquatic plants) as being compatible with conservation, if ecosystem functions (such as water storage, groundwater recharge, flood buffering) and values (such as recreation and cultural) are maintained or enhanced;
 - (h) review integrated management plan for each of the notified wetlands (including trans-boundary wetlands in coordination with Central Government), and within these plans consider continuation and support to traditional uses of wetlands which are harmonized with ecological character;
 - (i) in cases wherein lands within boundary of notified wetlands or wetlands complex have private tenancy rights, recommend mechanisms for maintenance of ecological character through promotional activities;
 - (j) identify mechanisms for convergence of implementation of the management plan with the existing State/Union Territory level development plans and programmes;
 - (k) ensure enforcement of these rules and other relevant Acts, rules and regulations and on half-yearly basis (June and December of each calendar year) inform the concerned State Government or Union Territory Administration or Central Government on the status of such notified wetlands through a reporting mechanism;
 - (l) coordinate implementation of integrated management plans based on wise use principle through various line departments and other concerned agencies;
 - (m) function as nodal authority for all wetland specific authorities within the State or Union Territory Administration;
 - (n) issue necessary directions for conservation and sustainable management of wetlands to the respective implementing agencies;

- (o) undertake measures for enhancing awareness within stakeholders and local communities on values and functions of wetlands; and
- (p) Advise on any other matter *suo-motu*, or as referred by the State Government/Union Territory Administration.
- (5) The concerned Department of the State Government or Union Territory shall provide all necessary support and act as nodal Department and Secretariat to the Authority.
- (6) The Authority shall, within ninety days of publication of these rules, shall constitute,—
 - (a) a technical committee to review brief documents, management plans and advise on any technical matter referred by the Wetland Authority; and
 - (b) a grievance committee consisting of four members to provide a mechanism for hearing and forwarding the grievances raised by public to the Authority;
- (7) The Committees referred to in sub-rule (6) shall meet at least once in every quarter to perform their functions.
- (8) The Authority shall meet at least thrice in a year.
- (9) The term of non-official members of the Authority nominated by State Government or Union Territory Administration, shall be for a period not exceeding three years.

6. Constitution of National Wetlands Committee.—(1) The Central Government, hereby constitutes the National Wetlands Committee with the following members, namely:—

- (i) Secretary, Ministry of Environment, Forest and Climate Change, Government of India - Chairperson;
- (ii) Special Secretary or Additional Secretary dealing with wetlands, Ministry of Environment, Forest and Climate Change, Government of India-Vice Chairperson;
- (iii) Additional Director General, Wildlife, Ministry of Environment, Forest and Climate Change, Government of India - Member *ex-officio*;
- (iv) Adviser or Joint Secretary dealing with wetlands, Ministry of Environment, Forest and Climate Change - Member *ex-officio*;
- (v) Joint Secretary, Ministry of Tourism, Government of India- Member *ex-officio*;
- (vi) Joint Secretary , Ministry of Water Resources, River Development and Ganga Rejuvenation, Government of India- Member *ex-officio*;
- (vii) Joint Secretary, Ministry of Agriculture and Farmers Welfare, Government of India- Member *ex-officio*;
- (viii) Joint Secretary, Ministry of Social Justice and Empowerment, Government of India- Member *ex-officio*;
- (ix) Joint Secretary, Ministry of Urban Development, Government of India- Member *ex-officio*;
- (x) Joint Secretary, Ministry of Rural Development, Government of India- Member *ex-officio*;
- (xi) The Chairman, Central Pollution Control Board - Member *ex-officio*;
- (xii) Director, Zoological Survey of India or Scientist F- Member *ex-officio*;
- (xiii) Director, Botanical Survey of India or Scientist F- Member *ex-officio*;
- (xiv) Director, Space Application Centre, Ahmedabad or Scientist F- Member *ex-officio*;
- (xv) Member, Central Water Commission - Member *ex-officio*;
- (xvi) Adviser, Niti Aayog - Member *ex-officio*;
- (xvii) Three representatives of State Government or Union Territory Administration on a rotational basis for a tenure of two years each;
- (xviii) One expert each in the fields of wetland ecology, hydrology, fisheries, landscape planning & socio-economics; and

- (xix) Director/Additional Director/Joint Director dealing with wetlands, Ministry of Environment, Forest and Climate Change - Member Secretary.
- (2) The National Wetlands Committee may co-opt other members, not exceeding three in number, if required.
- (3) The National Wetlands Committee shall perform the following functions, namely:-
- advise the Central Government on appropriate policies and action programmes for conservation and wise use of wetlands;
 - evolve norms and guidelines for integrated management of wetlands based on wise use principle;
 - monitor implementation of these rules by the Authority;
 - advise the Central Government on proposals received from State Governments or Union Territory Administrations for omission of the prohibited activities as referred in sub-rule (2) of rule 4;
 - recommend designation of wetlands of international importance under Ramsar Convention;
 - recommend trans-boundary wetlands for notification;
 - review progress of integrated management of Ramsar sites and transboundary wetlands;
 - advise on collaboration with international agencies on issues related to wetlands; and
 - advise on any other matter *suo-moto*, or as referred by the Central Government.
- (4) The tenure of non-official members of the Committee shall not exceed three years.
- (5) The Committee shall meet at least once in every six months.

7. Delegation of powers and functions to the State Governments and Union Territory Administrations.—

- (1) The concerned Department of the State Government or Union Territory Administration shall, within a period of one year from the date of publication of these rules, prepare a Brief Document for each of the wetland identified for notification, providing:—
- demarcation of wetland boundary supported by accurate digital maps with coordinates and validated by ground truthing;
 - demarcation of its zone of influence and land use and land cover thereof indicated in a digital map;
 - ecological character description;
 - account of pre-existing rights and privileges;
 - list of site-specific activities to be permitted within the wetland and its zone of influence;
 - list of site specific activities to be regulated within the wetland and its zone of influence; and
 - modalities for enforcement of regulation;
- (2) Based on the Brief Document, the Authority shall make recommendations to the State Government or Union Territory Administration for notifying the wetlands.
- (3) The State Government or Union Territory Administration shall, after considering the objections, if any, from the concerned and affected persons, notify the wetlands in the Official Gazette, within a period not exceeding 240 days from the date of recommendation by the Authority.
- (4) (a) In case of trans-boundary wetlands, the Central Government shall coordinate with concerned State Governments and Union Territory Administrations to prepare the Brief Document containing information as listed in sub-rule (1).
- (b) Based on the Brief Document, the National Wetlands Committee shall make recommendations to the Central Government for notification of the wetland.
- (c) The Central Government shall, after considering the objections, if any, from the concerned and affected persons, notify the wetlands in the Official Gazette, within a period not exceeding 240 days from the date of recommendation by the Committee.

- (5) (a) The Central Government shall create a dedicated web portal for information relating to wetlands.
- (b) The Central Government, State Government and Union Territory Administration shall upload all relevant information and documents pertaining to wetlands in their jurisdiction.

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